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AN ACT

To amend the National Historic Preservation Act of 1966, and
for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That this Act may be cited as the “National Historic Preser-
4 vation Act Amendments of 1980”.

5 **TITLE I—FINDINGS AND POLICY OF NATIONAL**
6 **HISTORIC PRESERVATION ACT**

7 **SEC. 101. (a)** The first section of the Act of October 15,
8 1966 (16 U.S.C. 470–470t), hereinafter in this Act referred
9 to as the “National Historic Preservation Act”, is amended
10 to read as follows:

1 “SEC. 1. (a) This Act may be cited as the ‘National
2 Historic Preservation Act’.

3 “(b) The Congress finds and declares that—

4 “(1) the spirit and direction of the Nation are
5 founded upon and reflected in its historic heritage;

6 “(2) the historical and cultural foundations of the
7 Nation should be preserved as a living part of our com-
8 munity life and development in order to give a sense of
9 orientation to the American people;

10 “(3) historic properties significant to the Nation’s
11 heritage are being lost or substantially altered, often
12 inadvertently, with increasing frequency;

13 “(4) the preservation of this irreplaceable heritage
14 is in the public interest so that its vital legacy of cul-
15 tural, educational, aesthetic, inspirational, economic,
16 and energy benefits will be maintained and enriched for
17 future generations of Americans;

18 “(5) in the face of ever-increasing extensions of
19 urban centers, highways, and residential, commercial,
20 and industrial developments, the present governmental
21 and nongovernmental historic preservation programs
22 and activities are inadequate to insure future genera-
23 tions a genuine opportunity to appreciate and enjoy the
24 rich heritage of our Nation;

1 “(6) the increased knowledge of our historic re-
2 sources, the establishment of better means of identify-
3 ing and administering them, and the encouragement of
4 their preservation will improve the planning and execu-
5 tion of Federal and federally assisted projects and will
6 assist economic growth and development; and

7 “(7) although the major burdens of historic preser-
8 vation have been borne and major efforts initiated by
9 private agencies and individuals, and both should con-
10 tinue to play a vital role, it is nevertheless necessary
11 and appropriate for the Federal Government to accel-
12 erate its historic preservation programs and activities,
13 to give maximum encouragement to agencies and indi-
14 viduals undertaking preservation by private means, and
15 to assist State and local governments and the National
16 Trust for Historic Preservation in the United States to
17 expand and accelerate their historic preservation pro-
18 grams and activities.

19 “SEC. 2. It shall be the policy of the Federal Govern-
20 ment, in cooperation with other nations and in partnership
21 with the States, local governments, Indian tribes, and private
22 organizations and individuals to—

23 “(1) use measures, including financial and techni-
24 cal assistance, to foster conditions under which our
25 modern society and our prehistoric and historic re-

1 sources can exist in productive harmony and fulfill the
2 social, economic, and other requirements of present and
3 future generations;

4 “(2) provide leadership in the preservation of the
5 prehistoric and historic resources of the United States
6 and of the international community of nations;

7 “(3) administer federally owned, administered, or
8 controlled prehistoric and historic resources in a spirit
9 of stewardship for the inspiration and benefit of present
10 and future generations;

11 “(4) contribute to the preservation of nonfederally
12 owned prehistoric and historic resources and give
13 maximum encouragement to organizations and individ-
14 uals undertaking preservation by private means;

15 “(5) encourage the public and private preservation
16 and utilization of all usable elements of the Nation’s
17 historic built environment; and

18 “(6) assist State and local governments and the
19 National Trust for Historic Preservation in the United
20 States to expand and accelerate their historic preserva-
21 tion programs and activities.”

22 TITLE II—HISTORIC PRESERVATION PROGRAM

23 SEC. 201. (a) Section 101 of the National Historic Pres-
24 ervation Act is amended to read as follows:

1 “SEC. 101. (a)(1)(A) The Secretary of the Interior is
2 authorized to expand and maintain a National Register of
3 Historic Places composed of districts, sites, buildings, struc-
4 tures, and objects significant in American history, architec-
5 ture, archeology, engineering, and culture.

6 “(B) Properties meeting the criteria for National Histor-
7 ic Landmarks established pursuant to paragraph (2) shall be
8 designated as ‘National Historic Landmarks’ and included on
9 the National Register, subject to the requirements of para-
10 graph (6). All historic properties included on the National
11 Register on the date of the enactment of the National Histor-
12 ic Preservation Act Amendments of 1980 shall be deemed to
13 be included on the National Register as of their initial listing
14 for purposes of this Act. All historic properties listed in the
15 Federal Register of February 6, 1979, as ‘National Historic
16 Landmarks’ or thereafter prior to the effective date of this
17 Act are declared by Congress to be National Historic Land-
18 marks of national historic significance as of their initial listing
19 as such in the Federal Register for purposes of this Act and
20 the Act of August 21, 1935 (49 Stat. 666); except that in
21 cases of National Historic Landmark districts for which no
22 boundaries have been established, boundaries must first be
23 published in the Federal Register and submitted to the Com-
24 mittee on Energy and Natural Resources of the United

1 States Senate and to the Committee on Interior and Insular
2 Affairs of the United States House of Representatives.

3 “(2) The Secretary in consultation with national histori-
4 cal and archaeological associations, shall establish or revise
5 criteria for properties to be included on the National Register
6 and criteria for National Historic Landmarks, and shall also
7 promulgate or revise regulations as may be necessary for—

8 “(A) nominating properties for inclusion in, and
9 removal from, the National Register and the recom-
10 mendation of properties by certified local governments;

11 “(B) designating properties as National Historic
12 Landmarks and removing such designation;

13 “(C) considering appeals from such recommenda-
14 tions, nominations, removals, and designations (or any
15 failure or refusal by a nominating authority to nomi-
16 nate or designate);

17 “(D) nominating historic properties for inclusion in
18 the World Heritage List in accordance with the terms
19 of the Convention concerning the Protection of the
20 World Cultural and Natural Heritage;

21 “(E) making determinations of eligibility of prop-
22 erties for inclusion on the National Register; and

23 “(F) notifying the owner of a property, any appro-
24 priate local governments, and the general public, when
25 the property is being considered for inclusion on the

1 National Register, for designation as a National His-
2 toric Landmark or for nomination to the World Heri-
3 tage List.

4 “(3) Subject to the requirements of paragraph (6), any
5 State which is carrying out a program approved under sub-
6 section (b), shall nominate to the Secretary properties which
7 meet the criteria promulgated under subsection (a) for inclu-
8 sion on the National Register. Subject to paragraph (6), any
9 property nominated under this paragraph or under section
10 110(a)(2) shall be included on the National Register on the
11 date forty-five days after receipt by the Secretary of the
12 nomination and the necessary documentation, unless the Sec-
13 retary disapproves such nomination within such forty-five
14 day period or unless an appeal is filed under paragraph (5).

15 “(4) Subject to the requirements of paragraph (6) the
16 Secretary may accept a nomination directly from any person
17 or local government for inclusion of a property on the Na-
18 tional Register only if such property is located in a State
19 where there is no program approved under subsection (b).
20 The Secretary may include on the National Register any
21 property for which such a nomination is made if he deter-
22 mines that such property is eligible in accordance with the
23 regulations promulgated under paragraph (2). Such determi-
24 nation shall be made within ninety days from the date of the

1 nomination unless the nomination is appealed under para-
2 graph (5).

3 “(5) Any person or local government may appeal to the
4 Secretary a nomination of any historic property for inclusion
5 on the National Register and may appeal to the Secretary
6 the failure or refusal of a nominating authority to nominate a
7 property in accordance with this subsection.

8 “(6) The Secretary shall promulgate regulations requir-
9 ing that before any property or district may be included on
10 the National Register or designated as a National Historic
11 Landmark, the owner or owners of such property, or a major-
12 ity of the owners of the properties within the district in the
13 case of an historic district, shall be given the opportunity
14 (including a reasonable period of time) to concur in, or object
15 to, the nomination of the property or district for such inclu-
16 sion or designation. If the owner or owners of any privately
17 owned property, or a majority of the owners of such proper-
18 ties within the district in the case of an historic district,
19 object to such inclusion or designation, such property shall
20 not be included on the National Register or designated as a
21 National Historic Landmark until such objection is with-
22 drawn. The Secretary shall review the nomination of the
23 property or district where any such objection has been made
24 and shall determine whether or not the property or district is
25 eligible for such inclusion or designation, and if the Secretary

1 determines that such property or district is eligible for such
2 inclusion or designation, he shall inform the Advisory Council
3 on Historic Preservation, the appropriate State Historic
4 Preservation Officer, the appropriate chief elected local offi-
5 cial and the owner or owners of such property, of his deter-
6 mination. The regulations under this paragraph shall include
7 provisions to carry out the purposes of this paragraph in the
8 case of multiple ownership of a single property.

9 “(7) The Secretary shall promulgate, or revise, regula-
10 tions—

11 “(A) ensuring that significant prehistoric and his-
12 toric artifacts, and associated records, subject to sec-
13 tion 110 of this Act, the Act of June 27, 1960 (16
14 U.S.C 469c), and the Archaeological Resources Pro-
15 tection Act of 1979 (16 U.S.C. 470aa and following)
16 are deposited in an institution with adequate long-term
17 curatorial capabilities;

18 “(B) establishing a uniform process and standards
19 for documenting historic properties by public agencies
20 and private parties for purposes of incorporation into,
21 or complementing, the national historical architectural
22 and engineering records within the Library of Con-
23 gress; and

1 “(C) certifying local governments, in accordance
2 with subsection (c)(1) and for the allocation of funds
3 pursuant to section 103(c) of this Act.

4 “(b)(1) The Secretary, in consultation with the National
5 Conference of State Historic Preservation Officers and the
6 National Trust for Historic Preservation, shall promulgate or
7 revise regulations for State Historic Preservation Programs.
8 Such regulations shall provide that a State program submit-
9 ted to the Secretary under this section shall be approved by
10 the Secretary if he determines that the program—

11 “(A) provides for the designation and appointment
12 by the Governor of a ‘State Historic Preservation Offi-
13 cer’ to administer such program in accordance with
14 paragraph (3) and for the employment or appointment
15 by such officer of such professionally qualified staff as
16 may be necessary for such purposes;

17 “(B) provides for an adequate and qualified State
18 historic preservation review board designated by the
19 State Historic Preservation Officer unless otherwise
20 provided for by State law; and

21 “(C) provides for adequate public participation in
22 the State Historic Preservation Program, including the
23 process of recommending properties for nomination to
24 the National Register.

1 “(2) Periodically, but not less than every four years
2 after the approval of any State program under this subsec-
3 tion, the Secretary shall evaluate such program to make a
4 determination as to whether or not it is in compliance with
5 the requirements of this Act. If at any time, the Secretary
6 determines that a State program does not comply with such
7 requirements, he shall disapprove such program, and suspend
8 in whole or in part assistance to such State under subsection
9 (d)(1), unless there are adequate assurances that the program
10 will comply with such requirements within a reasonable
11 period of time. The Secretary may also conduct periodic
12 fiscal audits of State programs approved under this section.

13 “(3) It shall be the responsibility of the State Historic
14 Preservation Officer to administer the State Historic Preser-
15 vation Program and to—

16 “(A) in cooperation with Federal and State agen-
17 cies, local governments, and private organizations and
18 individuals, direct and conduct a comprehensive
19 statewide survey of historic properties and maintain in-
20 ventories of such properties;

21 “(B) identify and nominate eligible properties to
22 the National Register and otherwise administer appli-
23 cations for listing historic properties on the National
24 Register;

1 “(C) prepare and implement a comprehensive
2 statewide historic preservation plan;

3 “(D) administer the State program of Federal as-
4 sistance for historic preservation within the State;

5 “(E) advise and assist, as appropriate, Federal
6 and State agencies and local governments in carrying
7 out their historic preservation responsibilities;

8 “(F) cooperate with the Secretary, the Advisory
9 Council on Historic Preservation, and other Federal
10 and State agencies, local governments, and organiza-
11 tions and individuals to ensure that historic properties
12 are taken into consideration at all levels of planning
13 and development;

14 “(G) provide public information, education, and
15 training and technical assistance relating to the Feder-
16 al and State Historic Preservation Programs; and

17 “(H) cooperate with local governments in the de-
18 velopment of local historic preservation programs and
19 assist local governments in becoming certified pursuant
20 to subsection (c).

21 “(4) Any State may carry out all or any part of its re-
22 sponsibilities under this subsection by contract or cooperative
23 agreement with any qualified nonprofit organization or edu-
24 cational institution.

1 “(5) Any State historic preservation program in effect
2 under prior authority of law may be treated as an approved
3 program for purposes of this subsection until the earlier of—

4 “(A) the date on which the Secretary approves a
5 program submitted by the State under this subsection,
6 or

7 “(B) three years after the date of the enactment
8 of the National Historic Preservation Act Amendments
9 of 1980.

10 “(c)(1) Any State program approved under this section
11 shall provide a mechanism for the certification by the State
12 Historic Preservation Officer of local governments to carry
13 out the purposes of this Act and provide for the transfer, in
14 accordance with section 103(c), of a portion of the grants
15 received by the States under this Act, to such local govern-
16 ments. Any local government shall be certified to participate
17 under the provisions of this section if the applicable State
18 Historic Preservation Officer, and the Secretary, certifies
19 that the local government—

20 “(A) enforces appropriate State or local legislation
21 for the designation and protection of historic properties;

22 “(B) has established an adequate and qualified
23 historic preservation review commission by State or
24 local legislation;

1 “(C) maintains a system for the survey and inven-
2 tory of historic properties that furthers the purposes of
3 subsection (b);

4 “(D) provides for adequate public participation in
5 the local historic preservation program, including the
6 process of recommending properties for nomination to
7 the National Register; and

8 “(E) satisfactorily performs the responsibilities
9 delegated to it under this Act.

10 Where there is no approved State program, a local govern-
11 ment may be certified by the Secretary if he determines that
12 such local government meets the requirements of subpara-
13 graphs (A) through (E); and in any such case the Secretary
14 may make grants-in-aid to the local government for purposes
15 of this section.

16 “(2)(A) Before a property within the jurisdiction of the
17 certified local government may be considered by the State to
18 be nominated to the Secretary for inclusion on the National
19 Register, the State Historic Preservation Officer shall notify
20 the owner, the applicable chief local elected official, and the
21 local historic preservation commission. The commission, after
22 reasonable opportunity for public comment, shall prepare a
23 report as to whether or not such property, in its opinion,
24 meets the criteria of the National Register. Within sixty days
25 of notice from the State Historic Preservation Officer, the

1 chief local elected official shall transmit the report of the
2 commission and his recommendation to the State Historic
3 Preservation Officer. Except as provided in subparagraph
4 (B), after receipt of such report and recommendation, or if no
5 such report and recommendation are received within sixty
6 days, the State shall make the nomination pursuant to sec-
7 tion 101(a). The State may expedite such process with the
8 concurrence of the certified local government.

9 “(B) If both the commission and the chief local elected
10 official recommend that a property not be nominated to the
11 National Register, the State Historic Preservation Officer
12 shall take no further action, unless within thirty days of the
13 receipt of such recommendation by the State Historic Preser-
14 vation Officer an appeal is filed with the State. If such an
15 appeal is filed, the State shall follow the procedures for
16 making a nomination pursuant to section 101(a). Any report
17 and recommendations made under this section shall be in-
18 cluded with any nomination submitted by the State to the
19 Secretary.

20 “(3) Any local government certified under this section
21 or which is making efforts to become so certified shall be
22 eligible for funds under the provisions of section 103(c) of this
23 Act, and shall carry out any responsibilities delegated to it in
24 accordance with such terms and conditions as the Secretary
25 deems necessary or advisable.

1 “(d)(1) The Secretary shall administer a program of
2 matching grants-in-aid to the States for historic preservation
3 projects, and State historic preservation programs, approved
4 by the Secretary and having as their purpose the identifica-
5 tion of historic properties and the preservation of properties
6 included on the National Register.

7 “(2) The Secretary shall administer a program of
8 matching grant-in-aid to the National Trust for Historic
9 Preservation in the United States, chartered by Act of Con-
10 gress approved October 26, 1949 (63 Stat. 927), for the pur-
11 poses of carrying out the responsibilities of the National
12 Trust.

13 “(3)(A) In addition to the programs under paragraphs
14 (1) and (2), the Secretary shall administer a program of direct
15 grants for the preservation of properties included on the Na-
16 tional Register. Funds to support such program annually
17 shall not exceed 10 per centum of the amount appropriated
18 annually for the fund established under section 108. These
19 grants may be made by the Secretary, in consultation with
20 the appropriate State Historic Preservation Officer—

21 “(i) for the preservation of National Historic
22 Landmarks which are threatened with demolition or
23 impairment and for the preservation of historic proper-
24 ties of World Heritage significance,

1 “(ii) for demonstration projects which will provide
2 information concerning professional methods and tech-
3 niques having application to historic properties,

4 “(iii) for the training and development of skilled
5 labor in trades and crafts, and in analysis and curation,
6 relating to historic preservation; and

7 “(iv) to assist persons or small businesses within
8 any historic district included in the National Register
9 to remain within the district.

10 “(B) The Secretary may also, in consultation with the
11 appropriate State Historic Preservation Officer, make grants
12 or loans or both under this section to Indian tribes and to
13 nonprofit organizations representing ethnic or minority
14 groups for the preservation of their cultural heritage.

15 “(C) Grants may be made under subparagraph (A)(i) and
16 (iv) only to the extent that the project cannot be carried out
17 in as effective a manner through the use of an insured loan
18 under section 104.

19 “(e) No part of any grant made under this section may
20 be used to compensate any person intervening in any pro-
21 ceeding under this Act.

22 “(f) In consultation with the Advisory Council on His-
23 toric Preservation, the Secretary shall promulgate guidelines
24 for Federal agency responsibilities under section 110 of this
25 title.

1 “(g) Within one year after the date of enactment of the
2 National Historic Preservation Act Amendments of 1980,
3 the Secretary shall establish, in consultation with the Secre-
4 taries of Agriculture and Defense, the Smithsonian Institu-
5 tion, and the Administrator of the General Services Adminis-
6 tration, professional standards for the preservation of historic
7 properties in Federal ownership or control.

8 “(h) The Secretary shall develop and make available to
9 Federal agencies, State and local governments, private orga-
10 nizations and individuals, and other nations and international
11 organizations pursuant to the World Heritage Convention,
12 training in, and information concerning, professional methods
13 and techniques for the preservation of historic properties and
14 for the administration of the historic preservation program at
15 the Federal, State, and local level. The Secretary shall also
16 develop mechanisms to provide information concerning his-
17 toric preservation to the general public including students.”.

18 SEC. 202. (a) Section 102(a)(3) of the National Historic
19 Preservation Act is amended to read as follows:

20 “(3) for more than 50 per centum of the aggre-
21 gate cost of carrying out projects and programs speci-
22 fied in section 101(d) (1) and (2) in any one fiscal year,
23 except that for the costs of State or local historic sur-
24 veys or inventories the Secretary shall provide 70 per

1 centum of the aggregate cost involved in any one fiscal
2 year.”.

3 (b) Section 102(a) of such Act is amended by adding the
4 following at the end thereof: “Except as permitted by other
5 law, the State share of the costs referred to in paragraph (3)
6 shall be contributed by non-Federal sources. Notwithstanding
7 any other provision of law, no grant made pursuant to this
8 Act shall be treated as taxable income for purposes of the
9 Internal Revenue Code of 1954.”.

10 (c) Subsection (c) of section 102 of such Act is repealed.

11 SEC. 203. (a) Subsection (b) of section 103 of the Na-
12 tional Historic Preservation Act is amended by inserting
13 after “projects” the words “and programs” and by striking
14 out the second sentence thereof and substituting the follow-
15 ing: “The Secretary shall notify each State of its apporportion-
16 ment under this subsection within thirty days following the
17 date of enactment of legislation appropriating funds under
18 this Act.”.

19 (b) Section 103 of such Act is amended by adding at the
20 end thereof the following:

21 “(c) A minimum of 10 per centum of the annual appor-
22 tionment distributed by the Secretary to each State for the
23 purposes of carrying out this Act shall be transferred by the
24 State, pursuant to the requirements of this Act, to local gov-
25 ernments which are certified under section 101(c) for historic

1 preservation projects or programs of such local governments.
2 In any year in which the total annual apportionment to the
3 States exceeds \$65,000,000, one half of the excess shall also
4 be transferred by the States to local governments certified
5 pursuant to section 101(c).

6 “(d) The Secretary shall establish guidelines for the use
7 and distribution of funds under subsection (c) to insure that
8 no local government receives a disproportionate share of the
9 funds available, and may include a maximum or minimum
10 limitation on the amount of funds distributed to any single
11 local government. The guidelines shall not limit the ability of
12 any State to distribute more than 10 per centum of its annual
13 apportionment under subsection (c), nor shall the Secretary
14 require any State to exceed the 10 per centum minimum dis-
15 tribution to local governments.”.

16 SEC. 204. Section 104 of the National Historic Preser-
17 vation Act is amended to read as follows:

18 “SEC. 104. (a) The Secretary shall establish and main-
19 tain a program by which he may, upon application of a pri-
20 vate lender, insure loans (including loans made in accordance
21 with a mortgage) made by such lender to finance any project
22 for the preservation of a property included on the National
23 Register.

24 “(b) A loan may be insured under this section only if—

1 “(1) the loan is made by a private lender ap-
2 proved by the Secretary as financially sound and able
3 to service the loan properly;

4 “(2) the amount of the loan, and interest rate
5 charged with respect to the loan, do not exceed such
6 amount, and such a rate, as is established by the Sec-
7 retary, by rule;

8 “(3) the Secretary has consulted the appropriate
9 State Historic Preservation Officer concerning the
10 preservation of the historic property;

11 “(4) the Secretary has determined that the loan is
12 adequately secured and there is reasonable assurance
13 of repayment;

14 “(5) the repayment period of the loan does not
15 exceed the lesser of forty years or the expected life of
16 the asset financed;

17 “(6) the amount insured with respect to such loan
18 does not exceed 90 per centum of the loss sustained by
19 the lender with respect to the loan; and

20 “(7) the loan, the borrower, and the historic prop-
21 erty to be preserved meet other terms and conditions
22 as may be prescribed by the Secretary, by rule, espe-
23 cially terms and conditions relating to the nature and
24 quality of the preservation work.

1 The Secretary shall consult with the Secretary of the Treas-
2 ury regarding the interest rate of loans insured under this
3 section.

4 “(c) The aggregate unpaid principal balance of loans in-
5 sured under this section and outstanding at any one time may
6 not exceed the amount which has been covered into the His-
7 toric Preservation Fund pursuant to section 108 and subsec-
8 tions (g) and (i) of this section, as in effect on the date of the
9 enactment of this Act but which has not been appropriated
10 for any purpose.

11 “(d) Any contract of insurance executed by the Secre-
12 tary under this section may be assignable, shall be an obliga-
13 tion supported by the full faith and credit of the United
14 States, and shall be incontestable except for fraud or misrep-
15 resentation of which the holder had actual knowledge at the
16 time it became a holder.

17 “(e) The Secretary shall specify, by rule and in each
18 contract entered into under this section, the conditions and
19 method of payment to a private lender as a result of losses
20 incurred by the lender on any loan insured under this section.

21 “(f) In entering into any contract to insure a loan under
22 this section, the Secretary shall take steps to assure adequate
23 protection of the financial interests of the Federal Govern-
24 ment. The Secretary may—

1 “(1) in connection with any foreclosure proceed-
2 ing, obtain, on behalf of the Federal Government, the
3 property securing a loan insured under this title; and

4 “(2) operate or lease such property for such
5 period as may be necessary to protect the interest of
6 the Federal Government and to carry out subsection
7 (g).

8 “(g)(1) In any case in which a historic property is ob-
9 tained pursuant to subsection (f), the Secretary shall attempt
10 to convey such property to any governmental or nongovern-
11 mental entity under such conditions as will ensure the prop-
12 erty’s continued preservation and use; except that if, after a
13 reasonable time, the Secretary, in consultation with the Ad-
14 visory Council on Historic Preservation, determines that
15 there is no feasible and prudent means to convey such prop-
16 erty and to ensure its continued preservation and use, then
17 the Secretary may convey the property at the fair market
18 value of its interest in such property to any entity without
19 restriction.

20 “(2) Any funds obtained by the Secretary in connection
21 with the conveyance of any property pursuant to paragraph
22 (1) shall be covered into the historic preservation fund, in
23 addition to the amounts covered into such fund pursuant to
24 section 108 and subsection (i) of this section, and shall

1 remain available in such fund until appropriated by the Con-
2 gress to carry out the purposes of this Act.

3 “(h) The Secretary may assess appropriate and reason-
4 able fees in connection with insuring loans under this section.
5 Any such fees shall be covered into the Historic Preservation
6 Fund, in addition to the amounts covered into such fund pur-
7 suant to section 108 and subsection (g) of this section, and
8 shall remain available in such fund until appropriated by the
9 Congress to carry out purposes of this Act.

10 “(i) Notwithstanding any other provision of law, any
11 loan insured under this section shall be treated as non-Feder-
12 al funds for the purposes of satisfying any requirement of any
13 other provision of law under which Federal funds to be used
14 for any project or activity are conditioned upon the use of
15 non-Federal funds by the recipient for payment of any portion
16 of the costs of such project or activity.

17 “(j) Effective after the fiscal year 1981 there are au-
18 thorized to be appropriated, such sums as may be necessary
19 to cover payments incurred pursuant to subsection (e).

20 “(k) No debt obligation which is made or committed to
21 be made, or which is insured or committed to be insured, by
22 the Secretary under this section shall be eligible for purchase
23 by, or commitment to purchase by, or sale or issuance to, the
24 Federal Financing Bank.”.

1 SEC. 205. Section 108 of the National Historic Preser-
2 vation Act is amended by inserting after the term “1981” the
3 phrase “and \$150,000,000 for each of fiscal years 1982
4 through 1987”.

5 SEC. 206. Title I of the National Historic Preservation
6 Act is amended by adding the following new section at the
7 end thereof:

8 “SEC. 110. (a)(1) The heads of all Federal agencies
9 shall assume responsibility for the preservation of historic
10 properties which are owned or controlled by such agency.
11 Prior to acquiring, constructing, or leasing buildings for pur-
12 poses of carrying out agency responsibilities, each Federal
13 agency shall use, to the maximum extent feasible, historic
14 properties available to the agency. Each agency shall under-
15 take, consistent with the preservation of such properties and
16 the mission of the agency and the professional standards es-
17 tablished pursuant to section 101(f), any preservation, as may
18 be necessary to carry out this section.

19 “(2) With the advice of the Secretary and in cooperation
20 with the State historic preservation officer for the State in-
21 volved, each Federal agency shall establish a program to
22 locate, inventory, and nominate to the Secretary all proper-
23 ties under the agency’s ownership or control by the agency,
24 that appear to qualify for inclusion on the National Register
25 in accordance with the regulations promulgated under section

1 101(a)(2)(A). Each Federal agency shall exercise caution to
2 assure that any such property that might qualify for inclusion
3 is not inadvertently transferred, sold, demolished, substantial-
4 ly altered, or allowed to deteriorate significantly.

5 “(b) Each Federal agency shall initiate measures to
6 assure that where, as a result of Federal action or assistance
7 carried out by such agency, an historic property is to be sub-
8 stantially altered or demolished, timely steps are taken to
9 make or have made appropriate records, and that such rec-
10 ords then be deposited, in accordance with section 101(a), in
11 the Library of Congress or with such other appropriate
12 agency as may be designated by the Secretary, for future use
13 and reference.

14 “(c) The head of each Federal agency shall, unless
15 exempted under section 214, designate a qualified official to
16 be known as the agency’s ‘preservation officer’ who shall be
17 responsible for coordinating that agency’s activities under
18 this Act. Each Preservation Officer may, in order to be con-
19 sidered qualified, satisfactorily complete an appropriate train-
20 ing program established by the Secretary under section
21 101(g).

22 “(d) Consistent with the agency’s missions and man-
23 dates, all Federal agencies shall carry out agency programs
24 and projects (including those under which any Federal assist-
25 ance is provided or any Federal license, permit, or other ap-

1 proval is required) in accordance with the purposes of this
2 Act and, give consideration to programs and projects which
3 will further the purposes of this Act.

4 “(e) The Secretary shall review and approve the plans
5 of transferees of surplus federally owned historic properties
6 not later than 90 days after his receipt of such plans to
7 ensure that the prehistorical, historical, architectural, or cul-
8 turally significant values will be preserved or enhanced.

9 “(f) Prior to the approval of any Federal undertaking
10 which may directly and adversely affect any National Histor-
11 ic Landmark, the head of the responsible Federal agency
12 shall, to the maximum extent possible, undertake such plan-
13 ning and actions as may be necessary to minimize harm to
14 such landmark, and shall afford the Advisory Council on His-
15 toric Preservation a reasonable opportunity to comment on
16 the undertaking.

17 “(g) Each Federal agency may include the costs of pres-
18 ervation activities of such agency under this Act as eligible
19 project costs in all undertakings of such agency or
20 assisted by such agency. The eligible project costs may also
21 include amounts paid by a Federal agency to any State to be
22 used in carrying out such preservation responsibilities of the
23 Federal agency under this Act, and reasonable costs may be
24 charged to Federal licensees and permittees as a condition to
25 the issuance of such license or permit.

1 “(h) The Secretary shall establish an annual preserva-
2 tion awards program under which he may make monetary
3 awards in amounts of not to exceed \$1,000 and provide cita-
4 tions for special achievement to officers and employees of
5 Federal, State, and certified local governments in recognition
6 of their outstanding contributions to the preservation of his-
7 toric resources. Such program may include the issuance of
8 annual awards by the President of the United States to any
9 citizen of the United States recommended for such award by
10 the Secretary.

11 “(i) Nothing in this Act shall be construed to require the
12 preparation of an environmental impact statement where
13 such a statement would not otherwise be required under the
14 National Environmental Policy Act of 1969, and nothing in
15 this Act shall be construed to provide any exemption from
16 any requirement respecting the preparation of such a state-
17 ment under such Act.

18 “(j) The Secretary shall promulgate regulations under
19 which the requirements of this section may be waived in
20 whole or in part in the event of a major natural disaster or an
21 imminent threat to the national security.”.

22 SEC. 207. Title I of the National Historic Preservation
23 Act is amended by adding the following at the end thereof:

24 “SEC. 111. (a) Notwithstanding any other provision of
25 law, any Federal agency may, after consultation with the

1 Advisory Council on Historic Preservation, lease an historic
2 property owned by the agency to any person or organization,
3 or exchange any property owned by the agency with compa-
4 rable historic property, if the agency head determines that
5 the lease or exchange will adequately insure the preservation
6 of the historic property.

7 “(b) The proceeds of any lease under subsection (a) may,
8 notwithstanding any other provision of law, be retained by
9 the agency entering into such lease and used to defray the
10 costs of administration, maintenance, repair, and related ex-
11 penses incurred by the agency with respect to such property
12 or other properties which are on the National Register which
13 are owned by, or are under the jurisdiction or control of, such
14 agency. Any surplus proceeds from such leases shall be de-
15 posited into the Treasury of the United States at the end of
16 the second fiscal year following the fiscal year in which such
17 proceeds were received.

18 “(c) The head of any Federal agency having responsibil-
19 ity for the management of any historic property may, after
20 consultation with the Advisory Council on Historic Preserva-
21 tion, enter into contracts for the management of such proper-
22 ty. Any such contract shall contain such terms and conditions
23 as the head of such agency deems necessary or appropriate to
24 protect the interests of the United States and insure adequate
25 preservation of the historic property.”.

1 SEC. 208. Notwithstanding section 7(a) of the Act of
2 June 27, 1960 (16 U.S.C. 469c), or any other provision of
3 law to the contrary—

4 (1) identification, surveys, and evaluation carried
5 out with respect to historic properties within project
6 areas may be treated for purposes of any law or rule of
7 law as planning costs of the project and not as costs of
8 mitigation;

9 (2) reasonable costs for identification, surveys,
10 evaluation, and data recovery carried out with respect
11 to historic properties within project areas may be
12 charged to Federal licensees and permittees as a condi-
13 tion to the issuance of such license or permit; and

14 (3) Federal agencies, with the concurrence of the
15 Secretary and after notification of the Committee on
16 Interior and Insular Affairs of the United States House
17 of Representatives and the Committee on Energy and
18 Natural Resources of the United States Senate, are au-
19 thorized to waive, in appropriate cases, the 1 per
20 centum limitation contained in section 7(a) of such Act.

21 TITLE III—AMENDMENTS TO TITLE II OF
22 NATIONAL HISTORIC PRESERVATION ACT

23 SEC. 301. (a) Section 201(a) of the National Historic
24 Preservation Act is amended by striking out “twenty-nine”

1 and all that follows and substituting: “the following mem-
2 bers:

3 “(1) a Chairman appointed by the President se-
4 lected from the general public;

5 “(2) the Secretary of the Interior;

6 “(3) the Architect of the Capitol;

7 “(4) the Secretary of Agriculture and the heads of
8 four other agencies of the United States (other than
9 the Department of the Interior) the activities of which
10 affect historic preservation, appointed by the President;

11 “(5) one Governor appointed by the President;

12 “(6) one mayor appointed by the President;

13 “(7) the President of the National Conference of
14 State Historic Preservation Officers;

15 “(8) the Chairman of the National Trust for His-
16 toric Preservation;

17 “(9) four experts in the field of historic preserva-
18 tion appointed by the President from the disciplines of
19 architecture, history, archeology, and other appropriate
20 disciplines; and

21 “(10) three at-large members from the general
22 public, appointed by the President.”.

23 (b) Section 201(b) of such Act is amended by deleting (1)
24 through (17) and substituting (2) through (8) (other than (5)
25 and (6))” and by inserting the following before the period “

1 except that, in the case of paragraphs (2) and (4), no such
2 officer other than an Assistant Secretary or an officer having
3 major department-wide or agency-wide responsibilities may
4 be so designated”.

5 (c) Section 201(c) of such Act is amended to read as
6 follows:

7 “(c) Each member of the Council appointed under para-
8 graph (1), and under paragraphs (9) and (10) of subsection (a)
9 shall serve for a term of four years from the expiration of his
10 predecessor’s term; except that the members first appointed
11 under that paragraph shall serve for terms of one to four
12 years, as designated by the President at the time of appoint-
13 ment, in such manner as to insure that the terms of not more
14 than two of them will expire in any one year. The members
15 appointed under paragraphs (5) and (6) shall serve for the
16 term of their elected office but not in excess of four years. An
17 appointed member may not serve more than two terms. An
18 appointed member whose term has expired shall serve until
19 that member’s successor has been appointed.”.

20 (d) Section 201(d) of such Act is amended to read as
21 follows:

22 “(d) A vacancy in the Council shall not affect its
23 powers, but shall be filled, not later than sixty days after
24 such vacancy commences, in the same manner as the original
25 appointment (and for the balance of any unexpired terms).

1 The members of the Advisory Council on Historic Preserva-
 2 tion appointed by the President under this Act as in effect on
 3 the day before the enactment of the National Historic Preser-
 4 vation Act Amendments of 1980 shall remain in office until
 5 all members of the Council, as specified in this section, have
 6 been appointed. The members first appointed under this sec-
 7 tion shall be appointed not later than one hundred and eighty
 8 days after the enactment of the National Historic Preserva-
 9 tion Act Amendments of 1980.”.

10 (e) Section 201(e) of such Act is amended to read as
 11 follows:

12 “(e) The President shall designate a Vice Chairman,
 13 from the members appointed under paragraph (5), (6), (9), or
 14 (10). The Vice Chairman may act in place of the Chairman
 15 during the absence or disability of the Chairman or when the
 16 office is vacant.”.

17 (f) Section 201(f) of such Act is amended by deleting the
 18 word “Fifteen” and substituting in lieu thereof the word
 19 “Nine”.

20 (g)(1) Section 202(a) of such Act is amended by striking
 21 out “and” after the semicolon in paragraph (4), by striking
 22 out the period at the end of paragraph (5) and inserting in
 23 lieu thereof a semicolon, and by adding at the end thereof the
 24 following new paragraphs:

1 “(6) review the policies and programs of Federal
2 agencies and recommend to such agencies methods to
3 improve the effectiveness, coordination, and consist-
4 ency of those policies and programs with the policies
5 and programs carried out under this Act; and

6 “(7) inform and educate Federal agencies, State
7 and local governments, Indian tribes, other nations and
8 international organizations and private groups and indi-
9 viduals as to the Council’s authorized activities.”

10 (2) Section 202(b) of such Act is amended by inserting
11 the following before the period at the end thereof: “and shall
12 provide the Council’s assessment of current and emerging
13 problems in the field of historic preservation and an evalua-
14 tion of the effectiveness of the programs of Federal agencies,
15 State and local governments, and the private sector in carry-
16 ing out the purposes of this Act”.

17 (h) Section 204 of such Act is amended by striking out
18 the first sentence and so much of the second sentence as
19 precedes the words “shall receive” and substituting “The
20 members of the Council specified in paragraphs (2), (3), and
21 (4) of section 201(a) shall serve without additional compensa-
22 tion. The other members of the Council”.

23 (i) The third sentence of section 205(b) of such Act is
24 amended by inserting after the words “whenever appropri-

1 ate" the phrase ", including enforcement of agreements with
2 Federal agencies to which the Council is a party".

3 (j) Section 205(g) of such Act is amended by (1) insert-
4 ing after the word "duties" in the second sentence "and may
5 also receive donations of moneys for such purpose, and the
6 Executive Director is authorized, in his discretion, to accept,
7 hold, use, expend, and administer the same for the purposes
8 of this Act"; and (2) striking out "(1) through (16)" and sub-
9 stituting "(2) through (4)".

10 (k) Section 210 of such Act is amended by striking out
11 the first sentence thereof.

12 (l) Section 211 of such Act is amended by adding the
13 following at the end thereof: "The Council shall, by regula-
14 tion, establish such procedures as may be necessary to pro-
15 vide for participation by local governments in proceedings
16 and other actions taken by the Council with respect to under-
17 takings referred to in section 106 which affect such local
18 governments."

19 SEC. 302. (a) Title II of the National Historic Preserva-
20 tion Act is amended by adding the following new sections at
21 the end thereof:

22 "SEC. 213. To assist the Council in discharging its re-
23 sponsibilities under this Act, the Secretary at the request of
24 the Chairman, shall provide a report to the Council detailing
25 the significance of any historic property, describing the ef-

1 fects of any proposed undertaking on the affected property,
2 and recommending measures to avoid, minimize, or mitigate
3 adverse effects.

4 “SEC. 214. The Council, with the concurrence of the
5 Secretary, shall promulgate regulations or guidelines, as ap-
6 propriate, under which Federal programs or undertakings
7 may be exempted from any or all of the requirements of this
8 Act when such exemption is determined to be consistent with
9 the purposes of this Act, taking into consideration the magni-
10 tude of the exempted undertaking or program and the likeli-
11 hood of impairment of historic properties.”.

12 (b) Section 212(b) of such Act is amended by striking
13 out “Senate Committee on Interior and Insular Affairs” and
14 substituting “Senate Committee on Energy and Natural
15 Resources”.

16 **TITLE IV—INTERNATIONAL ACTIVITIES AND**
17 **WORLD HERITAGE CONVENTION**

18 SEC. 401. (a) The Secretary of the Interior shall direct
19 and coordinate United States participation in the Convention
20 Concerning the Protection of the World Cultural and Natural
21 Heritage, approved by the Senate on October 26, 1973, in
22 cooperation with the Secretary of State, the Smithsonian In-
23 stitution, and the Advisory Council on Historic Preservation.
24 Whenever possible, expenditures incurred in carrying out ac-
25 tivities in cooperation with other nations and international

1 organizations shall be paid for in such excess currency of the
2 country or area where the expense is incurred as may be
3 available to the United States.

4 (b) The Secretary of the Interior shall periodically nomi-
5 nate properties he determines are of international significance
6 to the World Heritage Committee on behalf of the United
7 States. No property may be so nominated unless it has previ-
8 ously been determined to be of national significance. Each
9 such nomination shall include evidence of such legal protec-
10 tions as may be necessary to ensure preservation of the prop-
11 erty and its environment (including restrictive covenants,
12 easements, or other forms of protection). Before making any
13 such nomination, the Secretary shall notify the Committee on
14 Interior and Insular Affairs of the United States House of
15 Representatives and the Committee on Energy and Natural
16 Resources of the United States Senate.

17 (c) No non-Federal property may be nominated by the
18 Secretary of the Interior to the World Heritage Committee
19 for inclusion on the World Heritage List unless the owner of
20 the property concurs in writing to such nomination.

21 SEC. 402. Prior to the approval of any Federal under-
22 taking outside the United States which may directly and ad-
23 versely affect a property which is on the World Heritage List
24 or on the applicable country's equivalent of the National
25 Register, the head of a Federal agency having direct or indi-

1 rect jurisdiction over such undertaking shall take into account
 2 the effect of the undertaking on such property for purposes of
 3 avoiding or mitigating any adverse effects.

4 TITLE V—GENERAL, ADMINISTRATIVE, AND
 5 MISCELLANEOUS PROVISIONS

6 SEC. 501. The National Historic Preservation Act is
 7 amended by adding the following new title at the end thereof:

8 “TITLE III

9 “SEC. 301. As used in this Act, the term—

10 “(1) ‘Agency’ means agency as such term is de-
 11 fined in section 551 of title 5, United States Code,
 12 except that in the case of any Federal program
 13 exempted under section 214, the agency administering
 14 such program shall not be treated as an agency with
 15 respect to such program.

16 “(2) ‘State’ means any State of the United States,
 17 the District of Columbia, the Commonwealth of Puerto
 18 Rico, Guam, the Virgin Islands, American Samoa, the
 19 Commonwealth of the Northern Mariana Islands, and
 20 the Trust Territories of the Pacific Islands.

21 “(3) ‘Local government’ means a city, county,
 22 parish, township, municipality, or borough, or any
 23 other general purpose political subdivision of any State.

24 “(4) ‘Indian tribe’ means the governing body of
 25 any Indian tribe, band, nation, or other group which is

1 recognized as an Indian tribe by the Secretary of the
2 Interior and for which the United States holds land in
3 trust or restricted status for that entity or its members.
4 Such term also includes any Native village corporation,
5 regional corporation, and Native Group established
6 pursuant to the Alaska Native Claims Settlement Act
7 (43 U.S.C. 1701 et seq.).

8 “(5) ‘Historic property’ or ‘historic resource’
9 means any prehistoric or historic district, site, building,
10 structure, or object included in, or eligible for inclusion
11 on the National Register; such term includes artifacts,
12 records, and remains which are related to such a dis-
13 trict, site, building, structure, or object.

14 “(6) ‘National Register’ or ‘Register’ means the
15 National Register of Historic Places established under
16 section 101.

17 “(7) ‘Undertaking’ means any action as described
18 in section 106.

19 “(8) ‘Preservation’ or ‘historic preservation’ in-
20 cludes identification, evaluation, recordation, documen-
21 tation, curation, acquisition, protection, management,
22 rehabilitation, restoration, stabilization, maintenance
23 and reconstruction, or any combination of the foregoing
24 activities.

1 “(9) ‘Cultural park’ means a definable urban area
2 which is distinguished by historic resources and land
3 related to such resources and which constitutes an in-
4 terpretive, educational, and recreational resource for
5 the public at large.

6 “(10) ‘Historic conservation district’ means an
7 urban area of one or more neighborhoods and which
8 contains (A) historic properties, (B) buildings having
9 similar or related architectural characteristics, (C) cul-
10 tural cohesiveness, or (D) any combination of the fore-
11 going.

12 “(11) ‘Secretary’ means the Secretary of the Inte-
13 rior except where otherwise specified.”.

14 (12) “State historic preservation review board” means a
15 board, council, commission, or other similar collegial body
16 established as provided in section 101(b)(1)(B)—

17 (A) the members of which are appointed by the
18 State Historic Preservation Officer (unless otherwise
19 provided for by State law),

20 (B) a majority of the members of which are pro-
21 fessionals qualified in the following and related disci-
22 plines: history, prehistoric and historic archaeology, ar-
23 chitectural history, and architecture, and

24 (C) which has the authority to—

1 (i) review National Register nominations and
2 appeals from nominations;

3 (ii) review appropriate documentation submit-
4 ted in conjunction with the Historic Preservation
5 Fund;

6 (iii) provide general advice and guidance to
7 the State Historic Preservation Officer, and

8 (iv) perform such other duties as may be
9 appropriate.

10 (13) "Historic preservation review commission" means
11 a board, council, commission, or other similar collegial body
12 which is established by State or local legislation as provided
13 in section 101(c)(1)(B), and the members of which are ap-
14 pointed, unless otherwise provided by State or local legisla-
15 tion, by the chief elected official of the jurisdiction concerned
16 from among—

17 (A) professionals in the disciplines of architecture,
18 history, architectural history, planning, archaeology, or
19 related disciplines, to the extent such professionals are
20 available in the community concerned, and

21 (B) such other persons as have demonstrated spe-
22 cial interest, experience, or knowledge in history, ar-
23 chitecture, or related disciplines and as will provide for
24 an adequate and qualified commission.

1 “SEC. 302. Where appropriate, each Federal agency is
2 authorized to expend funds appropriated for its authorized
3 programs for the purposes of activities carried out pursuant
4 to this Act, except to the extent appropriations legislation
5 expressly provides otherwise.

6 “SEC. 303. (a) The Secretary is authorized to accept
7 donations and bequests of money and personal property for
8 the purposes of this Act and shall hold, use, expend, and
9 administer the same for such purposes.

10 “(b) The Secretary is authorized to accept gifts or dona-
11 tions of less than fee interests in any historic property where
12 the acceptance of such interests will facilitate the conserva-
13 tion or preservation of such properties. Nothing in this sec-
14 tion or in any provision of this Act shall be construed to
15 affect or impair any other authority of the Secretary under
16 other provision of law to accept or acquire any property for
17 conservation or preservation or for any other purpose.

18 “SEC. 304. The head of any Federal agency, after con-
19 sultation with the Secretary, shall withhold from disclosure
20 to the public, information relating to the location or character
21 of historic resources whenever the head of the agency or the
22 Secretary determines that the disclosure of such information
23 may create a substantial risk of harm, theft, or destruction to
24 such resources or to the area or place where such resources
25 are located.

1 “SEC. 305. In any civil action brought in any United
2 States district court by any interested person to enforce the
3 provisions of this Act, if such person substantially prevails in
4 such action, the court may award attorneys’ fees, expert wit-
5 ness fees, and other costs of participating in such action, as
6 the court deems reasonable.

7 “SEC. 306. (a) In order to provide a national center to
8 commemorate and encourage the building arts and to pre-
9 serve and maintain a nationally significant building which ex-
10 emplifies the great achievements of the building arts in the
11 United States, the Secretary and the Administrator of the
12 General Services Administration are authorized and directed
13 to enter into a cooperative agreement with the Committee for
14 a National Museum of the Building Arts, Incorporated, a
15 nonprofit corporation organized and existing under the laws
16 of the District of Columbia, or its successor, for the operation
17 of a National Museum for the Building Arts in the Federal
18 Building located in the block bounded by Fourth Street, Fifth
19 Street, F Street, and G Street, Northwest in Washington,
20 District of Columbia. Such museum shall—

21 “(1) collect and disseminate information concern-
22 ing the building arts, including the establishment of a
23 national reference center for current and historic docu-
24 ments, publications, and research relating to the build-
25 ing arts;

1 “(2) foster educational programs relating to the
2 history, practice and contribution to society of the
3 building arts, including promotion of imaginative edu-
4 cational approaches to enhance understanding and ap-
5 preciation of all facets of the building arts;

6 “(3) publicly display temporary and permanent ex-
7 hibits illustrating, interpreting and demonstrating the
8 building arts;

9 “(4) sponsor or conduct research and study into
10 the history of the building arts and their role in shap-
11 ing our civilization; and

12 “(5) encourage contributions to the building arts.

13 “(b) The cooperative agreement referred to in subsec-
14 tion (a) shall include provisions which—

15 “(1) make the site available to the Committee re-
16 ferred to in subsection (a) without charge;

17 “(2) provide, subject to available appropriations,
18 such maintenance, security, information, janitorial and
19 other services as may be necessary to assure the pres-
20 ervation and operation of the site; and

21 “(3) prescribe reasonable terms and conditions by
22 which the Committee can fulfill its responsibilities
23 under this Act.

24 “(c) The Secretary is authorized and directed to provide
25 matching grants-in-aid to the Committee referred to in sub-

1 section (a) for its programs related to historic preservation.
2 The Committee shall match such grants-in-aid in a manner
3 and with such funds and services as shall be satisfactory to
4 the Secretary, except that no more than \$500,000 may be
5 provided to the Committee in any one fiscal year.

6 “(d) The renovation of the site shall be carried out by
7 the Administrator with the advice of the Secretary. Such ren-
8 ovation shall, as far as practicable—

9 “(1) be commenced immediately,

10 “(2) preserve, enhance, and restore the distinctive
11 and historically authentic architectural character of the
12 site consistent with the needs of a national museum of
13 the building arts and other compatible use, and

14 “(3) retain the availability of the central court of
15 the building, or portions thereof, for appropriate public
16 activities.

17 “(e) The Committee shall submit an annual report to the
18 Secretary and the Administrator concerning its activities
19 under this section and shall provide the Secretary and the
20 Administrator with such other information as the Secretary
21 may, from time to time, deem necessary or advisable.

22 “(f) For purposes of this section, the term ‘building arts’
23 includes, but shall not be limited to, all practical and schol-
24 arly aspects of prehistoric, historic, and contemporary archi-
25 tecture, archaeology, construction, building technology and

1 skills, landscape architecture, preservation and conservation,
2 building and construction, engineering, urban and community
3 design and renewal, city and regional planning, and related
4 professions, skills, trades, and crafts.

5 “SEC. 307. (a) At least thirty days prior to publishing in
6 the Federal Register any proposed regulation required by this
7 Act, the Secretary shall transmit a copy of the regulation to
8 the Committee on Interior and Insular Affairs of the House
9 of Representatives and the Committee on Energy and Natu-
10 ral Resources of the Senate. The Secretary also shall trans-
11 mit to such committees a copy of any final regulation prior to
12 its publication in the Federal Register. Except as provided in
13 subsection (b) of this section, no final regulation of the Secre-
14 tary shall become effective prior to the expiration of thirty
15 calendar days after it is published in the Federal Register
16 during which either or both Houses of Congress are in
17 session.

18 “(b) In the case of an emergency, a final regulation of
19 the Secretary may become effective without regard to the
20 last sentence of subsection (a) if the Secretary notified in
21 writing the Committee on Interior and Insular Affairs of the
22 United States House of Representatives and the Committee
23 on Energy and Natural Resources of the United States
24 Senate setting forth the reasons why it is necessary to make

1 the regulation effective prior to the expiration of the thirty-
2 day period.

3 “(c) Except as provided in subsection (b), the regulation
4 shall not become effective if, within ninety calendar days of
5 continuous session of Congress after the date of promulga-
6 tion, both Houses of Congress adopt a concurrent resolution,
7 the matter after the resolving clause of which is as follows:
8 ‘That Congress disapproves the regulation promulgated by
9 the Secretary dealing with the matter of _____,
10 which regulation was transmitted to Congress on _____,’
11 the blank spaces therein being appropriately filled.

12 “(d) If at the end of sixty calendar days of continuous
13 session of Congress after the date of promulgation of a regu-
14 lation, no committee of either House of Congress has report-
15 ed or been discharged from further consideration of a concur-
16 rent resolution disapproving the regulation, and neither
17 House has adopted such a resolution, the regulation may go
18 into effect immediately. If, within such sixty calendar days,
19 such a committee has reported or been discharged from fur-
20 ther consideration of such a resolution, the regulation may go
21 into effect not sooner than ninety calendar days of continuous
22 session of Congress after its promulgation unless disapproved
23 as provided for.

24 “(e) For the purposes of this section—

1 “(1) continuity of session is broken only by an ad-
2 journalment sine die; and

3 “(2) the days on which either House is not in ses-
4 sion because of an adjournment of more than three
5 days to a day certain are excluded in the computation
6 of sixty and ninety calendar days of continuous session
7 of Congress.

8 “(f) Congressional inaction on or rejection of a resolu-
9 tion of disapproval shall not be deemed an expression of ap-
10 proval of such regulation.”.

11 SEC. 502. The Secretary, in cooperation with the
12 American Folklife Center of the Library of Congress shall,
13 within two years after the date of the enactment of this Act,
14 submit a report to the President and the Congress on pre-
15 serving and conserving the intangible elements of our cultural
16 heritage such as arts, skills, folklife, and folkways. The
17 report shall take into account the view of other public and
18 private organizations, as appropriate. This report shall in-
19 clude recommendations for legislative and administrative ac-
20 tions by the Federal Government in order to preserve, con-
21 serve, and encourage the continuation of the diverse tradi-
22 tional prehistoric, historic, ethnic, and folk cultural traditions
23 that underlie and are a living expression of our American
24 heritage.

1 SEC. 503. The Advisory Council on Historic Preserva-
2 tion, in cooperation with the Secretary and the Secretary of
3 the Treasury, shall submit a report to the President and the
4 Congress on Federal tax laws relating to historic preserva-
5 tion or affecting in any manner historic preservation. Such
6 report shall include recommendations respecting amendments
7 to such laws which would further the purposes of this Act.
8 Such report shall be submitted within one year after the date
9 of enactment of this Act.

10 SEC. 504. The Secretary shall submit a report directly
11 to the President and the Congress on or before June 1, 1986,
12 reviewing the operation of the Historic Preservation Fund
13 and the national historic preservation program since the en-
14 actment of this Act and recommending appropriate funding
15 levels, the time period for the reauthorization for appropri-
16 ations from the fund, and other appropriate legislative action
17 to be undertaken upon the expiration of the current fund
18 authorization.

19 SEC. 505. The Pennsylvania Avenue Development Cor-
20 poration shall review the development plan for those parts of
21 the development area which are not under development or
22 committed for development as of the date of the enactment of
23 this Act, to identify means by which the historic values of
24 such parts of the development area may be preserved and
25 enhanced to the maximum extent feasible. The foregoing

1 review shall not be limited by the applicable provisions of the
2 development plan in effect at the time of the review; nor shall
3 the review require any actions by the Corporation during the
4 course of the review or during its consideration by the Con-
5 gress. Within one year of the date of this Act the Corporation
6 shall submit to the appropriate committees of Congress a
7 report containing the findings of the review required under
8 this section, together with the Corporation's recommenda-
9 tions for any legislative measures or funding necessary to
10 carry out the purposes of this section. The report shall also
11 include a description of those activities which the Corpora-
12 tion proposes to undertake to carry out the purposes of this
13 section and the financial implications of carrying out those
14 activities.

15 SEC. 506. The Secretary shall undertake a comprehen-
16 sive study and formulate recommendations for a coordinated
17 system of cultural parks and historic conservation districts
18 that provide for the preservation, interpretation, develop-
19 ment, and use by public and private entities of the prehistor-
20 ic, historic, architectural, cultural, and recreational resources
21 found in definable urban areas throughout the Nation. The
22 study shall propose alternatives concerning the management
23 and funding of such system by public and private entities and
24 by various levels of government. The Secretary shall submit
25 a report of his study and recommendations to the President

1 and the Congress within two years after the enactment of
2 this Act.

3 SEC. 507. The Secretary, in cooperation with the Sec-
4 retary of the Treasury, the Administrator of the United
5 States Fire Administration, and the Administrator of the
6 Federal Insurance Administration, shall submit a report to
7 the President and the Congress on fire in historic properties.
8 Such report shall include a review of Federal laws to deter-
9 mine any relationship between these laws and arson or fire
10 by “suspicious origin”, and to make recommendations re-
11 specting amendments to such laws should a correlation be
12 found to exist. Such report shall include the feasibility and
13 necessity of establishing or developing protective measures at
14 the Federal, State, or local level for the prevention, detec-
15 tion, and control of arson or fire by “suspicious origin” in
16 historic properties. Such report shall also include recommen-
17 dations regarding the Federal role in assisting the States and
18 local governments with protecting historic properties from
19 damage by fire. Such report shall be submitted within
20 eighteen months after the date of enactment of this Act.

Passed the House of Representatives November 17,
1980.

Attest: EDMUND L. HENSHAW, JR.,
Clerk.

By W. RAYMOND COLLEY,
Deputy Clerk.

96TH CONGRESS
2D SESSION

H. R. 5496

AN ACT

To amend the National Historic Preservation Act of
1966, and for other purposes.

NOVEMBER 17 (legislative day, JUNE 12), 1980

Received; placed on the calendar